

**ORDINANCE NO. 2015-19**

**AN ORDINANCE AMENDING CHAPTER 110, ARTICLE II, DIVISION 11,  
SUBDIVISION I, SECTION 110-288, OF THE CODE OF THE CITY OF FAIRFAX,  
VIRGINIA, PERTAINING TO STORM WATER MANAGEMENT.**

**BE IT ORDAINED**, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article II, Division 11, Subdivision I, Section 110-288, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

“Sec. 110-288. - City responsibilities.

- (a) City-owned drainage system. The city shall maintain and control natural drainage systems and other facilities which have been constructed by or dedicated to the city. In no event will the city be financially responsible for maintenance of private systems.
- (b) City-owned drainage system development impacted. The city shall specify, design and construct off-site improvements to the storm drainage system when such improvements are made necessary by changes in land use and when additional runoff caused by such changed land use cannot be adequately accommodated by facilities designed in accordance with the technical criteria specified in section 110-309. Inadequacy must be sufficiently demonstrated through a request for exception, as specified in 4VAC50-60-57 and in accordance with 4VAC50-60-122. Further, such off-site improvements are to be paid for by those landowners whose land alteration made the improvements necessary.
- (c) Stormwater management program established; submission and approval of plans; prohibitions.
  - (1) Pursuant to ~~§ 10.1-603.3 of the Code of Virginia~~, § 10.1-603.3, the city hereby establishes a Virginia stormwater management program for land-disturbing activities and adopts the applicable Regulations that specify standards and specifications for VSMPs promulgated by the state board for the purposes set out in section 110-281 of this article. The city hereby designates the department of public works as the administrator of the Virginia Stormwater Management Program.
  - (2) No VSMP authority permit shall be issued by the administrator until the following items have been submitted to and approved by the administrator as prescribed herein:
    - a. A permit application that includes a general permit registration statement, except for the construction of a single-family detached residential structure within or outside a common plan of development or sale, where no registration statement is required;
    - b. An erosion and sediment control plan approved in accordance with the city's Erosion and Sediment Control Ordinance, located in chapter 110, article II, division 12 of this Code; and
    - c. A stormwater management plan that meets the requirements of section 110-287(b).
  - (3) No VSMP authority permit shall be issued until evidence of general permit coverage is obtained.
  - (4) No VSMP authority permit shall be issued until the fees required to be paid pursuant to section 110-292, are received, and a reasonable performance bond required pursuant to section 110-293 has been submitted.
  - (5) No VSMP authority permit shall be issued unless and until the permit application and attendant materials and supporting documentation demonstrate that all land clearing, construction, disturbance, land development and drainage will be done according to the approved permit.
  - (6) No grading, building or other local permit shall be issued for a property unless a VSMP authority permit has been issued by the administrator.
- (d) Review of stormwater management plan.
  - (1) The administrator shall review stormwater management plans and shall approve or disapprove a stormwater management plan according to the following:
    - a. The administrator shall determine the completeness of a plan in accordance with section 110-287(b), and shall notify the applicant, in writing, of such determination, within 15 calendar days of receipt. If the plan is deemed to be incomplete, the above written notification shall contain the reasons the plan is deemed incomplete.

- b. The administrator shall have an additional 60 calendar days from the date of the communication of completeness to review the plan, except that if a determination of completeness is not made within the time prescribed in subdivision (a), then the plan shall be deemed complete and the administrator shall have 60 calendar days from the date of submission to review the plan.
  - c. The administrator shall review any plan that has been previously disapproved within 45 calendar days of the date of resubmission.
  - d. During the review period, the plan shall be approved or disapproved and the decision communicated in writing to the person responsible for the land-disturbing activity or his designated agent. If the plan is not approved, the reasons for not approving the plan shall be provided in writing. Approval or denial shall be based on the plan's compliance with the requirements of this division.
  - e. If a plan meeting all requirements of this division is submitted and no action is taken within the time provided above in subdivision (b) for review, the plan shall be deemed approved.
- (2) Approved stormwater plans may be modified as follows:
- a. Modifications to an approved stormwater management plan shall be allowed only after review and written approval by the administrator. The administrator shall have 60 calendar days to respond in writing either approving or disapproving such request.
  - b. The administrator may require that an approved stormwater management plan be amended, within a time prescribed by the administrator, to address any deficiencies noted during inspection.
- (3) The administrator shall require the submission of a construction record drawing for permanent stormwater management facilities. The administrator may elect not to require construction record drawings for stormwater management facilities for which recorded maintenance agreements are not required pursuant to section 110-317(b)."

This ordinance shall be effective as provided by law.

City Council hearing: March 10, 2015

Adopted: March 10, 2015

  
\_\_\_\_\_  
Mayor

3/13/15  
\_\_\_\_\_  
Date

ATTEST:

  
\_\_\_\_\_  
City Clerk

Votes

Councilman DeMarco	Absent
Councilman Greenfield	Aye
Councilmember Loftus	Aye
Councilman Meyer	Aye
Councilmember Miller	Aye
Councilmember Schmidt	Aye